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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,304	08/14/2000	Connie Carmichael	21100-004001	9736

20985 7590 07/12/2007

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EXAMINER	
NGUYEN, CAO H	
ART UNIT	**PAPER NUMBER**
2173	

MAIL DATE	DELIVERY MODE
07/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/638,304	CARMICHAEL ET AL.	
	Examiner	Art Unit	
	Cao (Kevin) Nguyen	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 6, 8, 10, 12 - 18, 22, 24 are rejected under 35 U.S.C. 102(a) and 102(e) as being anticipated by van Hoff et al. ("van Hoff"; US #5,959,623).

As per independent claim l's "system for immersive advertising" that is based upon the use of "an advertising sequence stored in a memory", van Hoff identically discloses DISPLAYING USER SELECTED SET OF ADVERTISEMENTS, by selecting the particular information to be displayed (Abstract). The display of user selectable advertising information to a user accessing the World Wide Web is based upon the creation of a user established list 210 of preferred advertising lists comprising a plurality of pointers 212-1 through 212-n associated with informational image lists (fig 2; col 4, lines 1 - 21).

The structure of van Hoff's list of pointers is such that the plural individual records within such a list read upon "a plurality of single frame primary image models". From the pointers, "a plurality of fill images" are obtained from running applet(s) 310 that access images 312 (col 4,

lines 37 - 51) to be inserted in the sequence of the list. By a launch of the Ad Window application 118 (col 5, line 62 - col 6, line 7), van Hoff's user selected list is built (col 3, lines 13 - 18), to anticipate the claimed "graphical user interface...enabling a user to configure said advertising sequence".

As per claim 2, van Hoff clearly has "means for presenting said advertising sequence to the user". Claim 3's "video" (see also claim 13) is found in van Hoff's identical use of video data (col 7, line 63 - col 8, line 11), which can be "film images" (claims 4, 14). Also please note the disclosure of displayin.q a sequence of still images in van Hoff, which reads upon "still frame images" (claims 5, 8, 15, 18). The World WideWeb environment of van Hoff will support "computer generated ....primary image models" in the list associated with the Ad Window output (claims 6, 16).

Claim 10's "fill images of products for advertising" are found in van Hoff's informational ima.qe retrieval.

Independent claim 12 expands upon the basic setting of the claim 1 system, by reciting the use of "a wide area network" in which "a presentation web page" is invoked. However, this is precisely the environment in which van Hoff operates, as noted above.

Independent claim 22's "method of immersive advertising on a wide area computer network" is also anticipated by van Hoff, who permits "customizing...said advertising sequence". In so doing, the van Hoff user may "reconfigure the advertising sequence" (claim 24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7, 9, 11, 17, 19 - 21,23, 28 - 32, 36 - 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Hoff in view of Roebuck ("Roebuck"; US #2002/0026388 A1).

As per claim 7's use of a "three dimensional ....single frame primary image model" (see also claim 17), it cannot be fairly inferred from van Hoff that such advanced Web browser techniques were available. However, the use of a virtual representation of the product in a virtual world is a central feature in Roebuck's METHOD OF DISTRIBUTING A PRODUCT. In particular, Roebuck envisions that a virtual three-dimensional model of the product (paragraph 0003) is subject to "Enhancements" that customize the individual experience (paragraph 0042). Thus, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to enhance the user-selectable advertising sequence as per van Hoff,

through the use of"three dimensional ....image model" entities as per Roebuck, with the advantage resting in the added realism that is made available, using the virtual techniques of Roebuck.

By implementing "Enhancements", Roebuck suggests claim 9's "dynamically altered image components" (claims 9, 19). The capability "of enabling a user to view the product from a plurality of perspectives in real time" (claims 11,20, 23, 31) is a key feature of Roebuck; please note paragraph 0006, in which a different view of the product is obtained. Roebuck's "3-D Virtual Reality Web Based Community" (paragraph 0038) suggests claim 21's "VRML". Independent claim 28, in which a "multi-media presentation comprising a plurality of images of said first product in use" are supplied, reads upon the virtual world modeling of Roebuck, in which such demonstration occurs, when taken in combination with van HoEs sequential advertising presentation. In both van Hoff and Roebuck, "modifying...the multi-media presentation in real-time" is achieved.

Roebuck's "Enhancements" and customized user experience suggest claim 29's "instruction" "to modify a specification of the first product", and the exploration permitted in the virtual world allows one product to be replaced by another (claim 30).
It is possible "to view the presentation from a plurality of perspectives simultaneously" (claim 32), in the case of Roebuck's intentional instantiation of plural product objects, as is also a "view" of "the first product in combination with a second complementary product" (claim 36) or a "third" (claim 37).

Claims 38, 39, 40 are rejected for reasons similar to those given for the rejections of claims 6, 4, 3, respectively. The advertising images in van Hoff can additionally be

"photographs" (claim 41). As noted above, and with respectto claim 42, Roebuck discloses "a three dimensional virtual environment", through which the user may "navigate" (claim 43).

Claims 25 - 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Hoff in view of Johnson ("Johnson"; US #5,493,490).

As per claim 25's "allowing the user to pause the advertising sequence" and claim 27's "allowing the user to decrease the time elapsed between the frames", the Web-based subscription of van Hoff does not appear, explicitly, to give the user control beyond simply turning it off. However, in more established proprietary environments, such as Johnson ELECTRONIC PROPOSAL PREPARATION, a customized proposal (col 2, lines 17-27) in the promotion of a product should reasonably be viewed at the leisure of the customer, who may provide as van Hoff does "a description of products and services" within an "advertising sequence" (claim 26). It would also have been obvious to the person having ordinary skill in the art at the time of applicant's invention to give the user customized viewing rates in van Hoff, by following the suggestion of Johnson's more flexible proposal, for this assists the properly configured user in product selection and purchase.

Claims 33 - 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Hoff in view of Roebuck and Johnson.

As noted above with respect to claims 25, 27, Johnson's customized proposal should be one in which the user may "speed up the presentation" (claim 33), "slow down the presentation" (claim 35) or "pause the presentation" (claim 34).

It would finally have been obvious to the person having ordinary skill to incorporate the relevant teachings of Roebuck's virtual world and Johnson's proposal into the advertising

sequence system of van Hoff, for these have advantages in assisting the customer in viewing the presentation effectively.

Response to Arguments

Applicant's arguments filed 08/10/06 have been fully considered but they are not persuasive.

On pages 4 and 5 of the Remark, Applicant state that the user may select one or more fill images to be displayed. The examiner respectfully disagrees. As shown in figures 2-3, van Hoff teaches the data structure for Ad lists according to one embodiment of the present invention is shown. Ad list includes a plurality of pointers and associated advertisement programs. Each advertisement program includes one or more applet(s), images, audio data and informational references. Applet(s) include methods for displaying the images and any associated audio data in the display window of the client computer. The applet(s) define the operational parameters associated with how long images are displayed, in what sequence, how they appear and disappear (fade or flash), as well as other display parameters if different from the default values set in the display method described above; as recited in col. 4, lines 37-67.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

07/5/07